

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

GISELA MARIE CUSHMAN

Plaintiff,

- v -

Civ. No. 5:13-CV-1070
(FJS/RFT)

CAROLYN W. COLVIN, *Acting Commissioner of Social Security*,

Defendant.

**RANDOLPH F. TREECE
U.S. MAGISTRATE JUDGE**

ORDER

In this action, Plaintiff Gisela Marie Cushman moves, pursuant to 42 U.S.C. § 405(g), for review of a decision by the Commissioner of Social Security denying her application for disability benefits. *See* Dkt. No. 1. On January 31, 2014, in accordance with General Order 18, Defendant has filed her Answer along with the Administrative Transcript. Dkt. Nos. 9-10. Thus, according to the time frame established in General Order 18, Plaintiff's Brief in this matter was due on March 17, 2014. To date, the Court has not received Plaintiff's Brief in this matter.

Plaintiff is warned that, in accordance with the Federal Rules of Civil Procedure and the Local Rules of this District, her continued inaction in this matter could result in the Court dismissing her case. FED. R. CIV. P. 41(b); N.D.N.Y.L.R. 41.2(a). **Furthermore, the Court advises that the Brief is Plaintiff's only opportunity "to set forth the errors Plaintiff contends were made by the Commissioner of Social Security that entitle Plaintiff to relief."** *See* General Order 18 at p. 4. **Plaintiff is further warned that her "failure to file a Brief as required by this order will result in the consideration of this appeal without the benefit of Plaintiff's arguments and may result**

in a decision heavily influenced by the Commissioner's version of the facts and subsequent dismissal of [her] appeal." *Id.*

WHEREFORE, after due consideration being given, it is hereby

ORDERED, that Plaintiff shall file and serve a Brief, in accordance with General Order 18, **on or before May 1, 2014**; and it is further

ORDERED, that the Clerk serve a copy of this Order upon the parties to this action in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: April 2, 2014
Albany, New York



Randolph F. Treece
U.S. Magistrate Judge